

DETAILED ACTION
EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Linda Truong on 4/7/2008.

Examiner's Amendment

The application has been amended as follows:

In claim 23, line 1 delete the word "tumor" after the word "inhibiting" and insert therefore the phrase ---the rate of---.

In claim 23, line 1 insert the word ---an--- between the words "of" and "androgen".

In claim 23, line 2, insert the word ---tumor--- after the word "cancer".

In claim 77, line 1 delete the word "tumor" after the word "inhibiting" and insert therefore the phrase ---the rate of---.

In claim 77, line 1 insert the word ---an--- between the words "of" and "androgen".

In claim 77, line 2, insert the word ---tumor--- after the word "cancer".

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: With respect to the above claim amendments, while the specification does not provide an *ipsis verbis* recitation of inhibiting "the rate of growth" of an androgen-independent prostate cancer tumor, the Examiner recognizes that the Examples on pages 11-12 are demonstrated to inhibit the growth of androgen-independent prostate cancer tumors. As such, the specification provides implicit support for the limitation inhibiting "the rate of growth" as recited in the amended claims. Neubauer *et al.* (Cancer Research, 1992, vol. 52, pages 4663-4671) teach that raloxifene inhibits metastasis of androgen-independent prostate cancer cells transplanted in the tail of rats. The reference teaches that raloxifene did not inhibit growth of the prostate cancer tumors. Accordingly, the claims are patentable over Neubauer *et al.* because the claims require inhibiting the rate of growth of prostate cancer tumors when raloxifene is administered. Given the teachings of Neubauer *et al.*, one of ordinary skill in the art would not reasonably expect raloxifene to be effective in inhibiting the rate of growth of androgen-independent prostate cancer tumors as demonstrated by Applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES D. ANDERSON whose telephone number is (571)272-9038. The examiner can normally be reached on MON-FRI 9:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James D Anderson/
Examiner, Art Unit 1614

/Ardin Marschel/

Supervisory Patent Examiner, Art Unit 1614